IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Ramesh Nagarajan
Case: 12
Serial No.: 09/587,892
Filing Date: June 6, 2000
Group: 2616
Examiner: Toan D. Nguyen

Title: Efficient Architectures for Protection Against Network Failures

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REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The remarks which follow are submitted in response to the Examiner's Answer dated July 27, 2006 in the above-identified application. The arguments presented by Applicant (hereinafter "Appellant") in the Appeal Brief dated April 12, 2006 are hereby incorporated by reference herein.

Appellant will respond herein to certain arguments raised by the Examiner in Section 10, pages 10-13, of the Answer. Page number references are to the Answer unless otherwise indicated.

At page 11, Section A, third paragraph, the Examiner states that features involving "coupling of particular types of network elements" as argued by Appellant in the Appeal Brief "are not recited in the rejected claim(s)." Appellant respectfully disagrees. Claim 1, for example, clearly recites a second network element that is coupled to a first dual-homed network element of a set of dual-homed network elements, and a given network element corresponding to at least one additional network element that is coupled to a second dual-homed network element

of the set of dual-homed network elements. Accordingly, the assertion that the claims as argued by Appellant do not recite the coupling of particular network elements is believed to be without merit.

At page 11, last paragraph, to page 12, first paragraph, the Examiner argues that motivation to combine Al-Salameh with Russ is found in column 6, lines 19-23, of Al-Salameh. This portion of Al-Salameh provides as follows:

> Further, the network 10′ affords the advantage of providing the node $20'_1$ (the customer premises) with a fully redundant dual-homing arrangement (provided by the optical links linking the customer premises to the common gateways $16'_{m-1}$ and 16_m).

The Examiner argues that this statement motivates the proposed combination of Al-Salameh with Russ because to introduce the dual-homing of Al-Salameh in Russ would "provide failure protection" for a node or element of Russ. However, the Examiner ignores the fact that nodes or elements in Russ are already provided with failure protection, through the use of a flooding message approach. See Russ at column 1, lines 36-39, and column 2, lines 33-36. The particular failure protection approach adopted by Russ appears to be inconsistent and incompatible with conventional dual-homing as described in Al-Salameh. Thus, it is believed that one skilled in the art would not look to supplement the Russ approach with dual-homing as argued by the Examiner. There does not appear to be any reason to do so, and an attempt to do so would seem to be at the very least unduly complicated and quite possibly unworkable.

At page 12, second paragraph, the Examiner argues that it is "irrelevant" that Al-Salameh teaches a type of conventional dual-homing similar to that acknowledged as prior art by Appellant at page 2, line 9, to page 3, line 4 of the present specification. However, Appellant respectfully submits that the disclosure of conventional dual-homing of this type by Al-Salameh actually teaches away from the claimed invention, since the claimed invention is directed not to conventional dual-homing but to an improved type of dual-homing arrangement which in an illustrative embodiment provides the particular advantages described at page 3, lines 22-27, of the specification. The claimed arrangement in an illustrative embodiment overcomes the problems with conventional dual-homing as outlined at page 2, line 14, to page 3, line 4 of the specification. Because Al-Salameh teaches to use a conventional type of dual-homing, it will

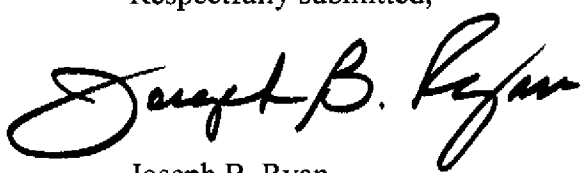
suffer from these same problems, and will not provide the considerable advantages attributable to the claimed arrangements. The fact that Al-Salameh teaches a type of conventional dual-homing which suffers from the very problems identified and solved by Appellant is believed to be a relevant teaching away which would tend to negate an assertion of obviousness.

At page 12, Section B, the Examiner apparently argues that the limitation that Appellant has argued cannot be found in claim 8. Appellant notes that claim 8 clearly recites that the "second network element" referred to in claim 1 is an element of a set of dual-homed network elements. Claim 1 indicates that this second network element processes a traffic demand. Accordingly, it is believed that the argued limitation is indeed present in claim 8. That is, claim 8 calls for a particular network element, the "second network element" referred to in claim 1, that performs the claimed processing of a traffic demand as recited in claim 1 and is also an element of a set of dual-homed network elements as recited in claim 8.

At pages 12-13, Section C, the Examiner apparently argues that the limitation that Appellant has argued cannot be found in claim 9. Appellant notes that claim 9 clearly recites that the "at least one additional network element" referred to in claim 1 is an element of a set of dual-homed network elements. Claim 1 indicates that this at least one additional network element is configured in a particular manner, for example, is coupled to a second dual-homed network element of a set of dual-homed network elements. Accordingly, it is believed that the argued limitation is indeed present in claim 9.

For the reasons identified above and in the Appeal Brief, Appellant respectfully submits that claims 1-19 are in condition for allowance, and respectfully requests the withdrawal of the §103(a) rejections.

Respectfully submitted,



Date: September 27, 2006

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